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"RESPONSE UNDER 37 CFR 1.116-  
EXPEDITED PROCEDURE EXAMINING  
GROUP 3721"

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF

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Reg for Record  
#10

SHINJI KOMATSU

: EXAMINER: HARMON, C.

7/31/03

SERIAL NO: 09/961,137

:

3 Ross

FILED: SEPTEMBER 24, 2001

: GROUP ART UNIT: 3721

FOR: PACKAGE BAG AND PACKAGING  
DEVICE

SECOND REQUEST FOR RECONSIDERATION

ASSISTANT COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

SIR:

In response to the Office Action dated May 9, 2003, Applicant again requests the reconsideration of the rejection of Claims 1 and 2, for the reasons set forth below.

Claims 1 and 2 stand finally rejected under 35 U.S.C. § 103 as being obvious over Johnson in view of Francis. Claims 1 and 2 are directed to a device for continuously producing a package bag, and recite structure which is not taught by any combination of these references.

As has previously been described, the claimed device for continuously producing a package bag comprises a pair of thermal rolls having annular projections, and a conveying device arranged to convey the film which forms the package bag between the annular projections of the pair of thermal rolls so as to form the strippable seal, wherein at least one of the annular projections has a wave-like or zig-zag shape.

Applicants had previously explained that the annular projections, one of which has a wave-like or zig-zag shape, are not taught by the thermal sealing bars 2159 of Johnson.

Indeed, Johnson fails to even disclose a device for producing a package bag having a strippable seal of a wave-like or zig-zag shape. None of the seals produced by the thermal sealing bars 2159 is shown or described as *a pair of thermal rolls having annular projections* having a wavelike or zig-zag shape. Johnson describes the seals 2056, 2058 and 2060 in the paragraph beginning at line 4 of column 16. As is there described, the sealing bar 2159 simultaneously forms and seals 2056, 2058 and 2060 and severs the finished bag. However the sealing bar 2159 is nowhere described or shown as having a wave-like or zig-zag shape.

The Examiner has again pointed to Figures 19 and 33 to support the allegation that the thermal sealing bars 2159 of Johnson have a wave-like or zig-zag shape, but Applicants fail to find such a teaching in these figures. Figure 19 simply discloses a bag, not the apparatus used to form the seals, and there is no inherent requirement that any of the seals shown therein were made by a pair of thermal rolls having annular projections, wherein at least one of the annular projections has a wave-like or zig-zag shape. **Indeed, the thermal sealing bars 2159 are shown in Figure 33 of Johnson, which provides no indication that they are part of thermal rolls, are annular, or have a wave-like or zig-zag shape. Thus this allegation is simply not supported in the prior art.**

Nor is a pair of thermal rolls having annular projections, wherein at least one of the annular projections has a wave-like or zig-zag shape, taught by Francis. The Examiner has relied upon Figures 7-8 of Francis for this teaching. However, these figures do not teach thermal rolls having annular projections having a wave-like or zig-zag shape. Figure 8 simply shows the shape of the formed material in the (three dimensional) direction of the thickness of the material. Any wavelike or zig-zag shape shown in Figure 8 is thus the three

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dimensional shape of the material formed by the rollers. It is not a two dimensional zig-zag like that produced by the claimed invention.

Moreover, this three dimensional shape is provided by an interaction of a series of projections and recesses, and so does not inherently require the presence of annular projections having a wave-like or zig-zag shape. Indeed, **Figure 7 shows that the annular ones of the projections, i.e., projections 50 and 56, of the rolls form a series of straight lines, not a wavelike or zig-zag shape. Thus Francis explicitly discloses deforming rolls having straight — not zig-zag — annular projections for deforming the workpiece.**

Since neither Johnson nor Francis teaches thermal rolls having annular projections having a wave-like or zig-zag shape, no combination of these references could provide this claimed feature, and so the rejection should be withdrawn.

Applicant therefore believes that the present application is in a condition for allowance and respectfully solicits an early notice of allowability.

Respectfully submitted,

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